

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CAROLYN A. NEWTON
Plaintiff

V.

JO ANNE B. BARNHART,
Commissioner of Social
Security Administration,
Defendant

§
§
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§
§
§
§
§

No. 5:04CV199

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's Unopposed Motion to Reverse With Remand and Enter Judgment (Dkt. No. 10) is hereby **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered civil action is **REVERSED** and **REMANDED** under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

ORDERED that on remand an ALJ will obtain vocational expert testimony in accordance with the relevant regulations and Social Security Ruling to determine the effects of the assessed

limitations on Plaintiff's occupational base. 20 C.F.R. §§ 404.1566(e) and 416.966(e); Social Security Ruling 00-4p. It is further

ORDERED that all motions not previously ruled on are denied, and the referral order is **VACATED**.

SIGNED this 16th day of August, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE